

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS D. RAFFAELE,

Plaintiff,

- v -

CITY OF NEW YORK, et al.,

**ORDER AWARDING
ATTORNEYS' FEES**

CV-13-4607 (KAM)(VP)

Defendants.

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By minute order issued on September 4, 2015 [Doc. No. 93] the court granted the defendants' motion for fees and expenses related to their letter motion for sanctions [Doc. No. 90]. That motion in turn rested on the plaintiff's failure to comply with this court's minute order [Doc. No. 89] requiring the plaintiff to provide certain discovery. Although the discovery was ultimately provided by the plaintiff, that did not occur until after the defendants' were required to make the motion for sanctions in order to gain the plaintiff's attention to his discovery obligations. Accordingly, the court directed the defendants to provide a statement of their fees and expenses in connection with the motion. By letter motion dated September 11, 2015 [Doc. No. 94] the defendants have done so, and the plaintiff has responded [Doc. No. 95].

The defendants' statement of fees and expenses seeks reimbursement for 5 hours of work at the rate of \$400 per hour. That statement, however, covers time expended not only on the motion for which fees and expenses were awarded, but for all of the defendants' counsel's efforts to obtain the discovery in question, including time spent in connection with the previous motion to compel. The work expended on the motion for which the court's award was entered – i.e., Doc. No. 90 – consisted of sending an e-mail to the plaintiff's counsel (to which no response was forthcoming), drafting a two-page letter, and attending a telephone conference at which the motion was addressed. Upon review of that work, the court concludes that the defendants are entitled to reimbursement for two hours of attorneys' fees. The rate at which the defendants' counsel seeks reimbursement is also above the norm in this district, particularly since the nature of the work was not at all complex and

would undoubtedly have been handled by an associate were it done at a private law firm. The court concludes that the proper rate should be \$250 per hour.

Accordingly, the defendants are awarded fees in the amount of \$500, to be paid by the plaintiff within 14 days of the date of this order.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
September 30, 2015